

ATTACHMENT C

MANAGEMENT OF BLM-ADMINISTERED PUBLIC LANDS WITHIN THE JOHN DAY BASIN RESOURCE MANAGEMENT PLAN PLANNING AREA THAT MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA

June 11, 2006

ATTACHMENT C: MANAGEMENT OF WATERWAYS WITHIN THE JOHN DAY BASIN RESOURCE MANAGEMENT PLAN PLANNING AREA THAT MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA

The recommendations for interim protection measures described in this document are meant to provide temporary or interim protection of the Wild and Scenic Rivers (WSR) values on eligible waterway areas prior to the completion of the John Day Basin Resource Management Plan (RMP). Included are management objectives, management actions, and appropriate allocations of land and resource uses that would maintain the outstandingly remarkable values and tentative classifications identified for the North Fork John Day River. Pursuant to the WSR Act of 1968, as amended, until the public reviews are completed and final decisions are made on WSR eligibility determinations, no uses of the reviewed Bureau of Land Management (BLM)-administered public land surfaces (public lands) will be authorized which could impair any outstandingly remarkable value they may contain, or would otherwise reduce or destroy their potential eligibility classification for consideration for inclusion in the national WSR system. In general, management requirements for river or river segments that are found eligible for consideration as components of the national WSR system are the same that apply to designated and study rivers (BLM 1993).

I. WILD AND SCENIC RIVERS REVIEW PROCESS

In conducting the WSR review process, application of the WSR eligibility criteria and determining the tentative WSR classifications focused on the public lands within a one-half mile wide corridor along the reviewed river segment (i.e., approximately one-quarter mile wide along each bank of the waterway along the length of the review segments). The public lands within and adjacent to this corridor will be considered in future site specific, activity or management implementation planning to fulfill the stated management objective.

The reviewed segments of Bear, Big Wall, Bridge, Cottonwood, Ditch, Ferry Canyon, Graves, Indian, Jericho, Little Pine, Little Wall, Mallory, Potamus, Rudio, and Stony creeks were determined not to meet the WSR eligibility criteria and are dropped from further consideration. Public lands along the reviewed segments of the North Fork John Day River were found to meet the WSR eligibility criteria to be given further consideration for inclusion in the national WSR system. Determinations on the suitability of inclusion for this river have not been made at this time, but will occur as part of the John Day Basin RMP planning process.

II. MANAGEMENT OBJECTIVE

The management objective for the waterways that meet the WSR eligibility criteria is to maintain or enhance their outstandingly remarkable values and WSR classification, until their eligibility determinations are superseded (BLM 1993). The interim protection measures for eligible waterways in the John Day Basin RMP planning area apply only to the waterway corridor which extends the length of the identified waterway segments and includes the waterway area, its immediate

environment, and an average of no more than one-quarter mile (1,320 feet) from the ordinary high water mark on both sides of the waterway. This boundary is preliminary and, by Section 3(b) of the WSR Act, may vary on either side of the waterway and be narrower or wider as long as the total corridor width averages no more than 320 acres (half of a mile or 2,640 feet wide) per river mile, and can be delineated by legally identifiable lines (e.g., survey or property lines) or some form of on-the-ground physical feature (e.g., canyon rims, roads, etc.) which provide the basis for protecting the waterway's outstandingly remarkable values. Final boundary delineation will be made if and when Congress decides to designate the waterway segments under review.

North Fork John Day River

Sixteen segments of the North Fork John Day River through public lands (including 25.55 miles of the river) were found to meet the WSR eligibility criteria to be given further consideration for inclusion in the national WSR system. Nine segments (totaling 8.15 miles) of the river are tentatively classified as scenic and seven segments (totaling 17.40 miles) are tentatively classified as recreational. All segments are designated as Accessible Natural River Areas as part of the North Fork John Day River Scenic Waterway, as designated in 1988. Current management under this designation (OAR 736-040-0066) is compatible with management under the WSR Act (see BLM 2000).

Management of BLM lands along the North Fork John Day River in the review section is currently covered under the John Day River Management Plan, Two Rivers, and John Day Resource Management Plan Amendments (BLM 2001). These plans are consistent with the protection of outstandingly remarkable values identified along the North Fork John Day River.

The North Fork John Day River is also managed under the Oregon State Scenic Waterway System as identified under the Scenic Waterways Act (ORS 390.805 to 390.925). Management under this system is consistent with the management of outstandingly remarkable values. As with wild and scenic rivers, scenic waterways designations cover the river and related adjacent lands within one-quarter mile of the bank on either side of the river. Some management standards apply to all scenic waterways, while specific rules are also developed for each river during the management planning process. All such rules are aimed at managing development within the scenic waterway corridor to protect the scenic beauty, fish and wildlife, scientific and recreation features of the river (OAR 736-040-0020).

Interim protective measures aimed at protecting outstandingly remarkable scenic values:

The study segment of the North Fork John Day is currently managed as an Accessible Natural River Area under the Oregon State Scenic Waterway System, which is administered by the Oregon Parks and Recreation Department. Management of an Accessible Natural River Area includes the protection or enhancement of the river's essentially primitive scenic character, while allowing compatible public outdoor recreation use (OAR 736-040-0040(1)(e)(B)). General rules and regulations governing land management on all scenic waterways that protects scenic values is presented in OAR 736-040-0035. These general management directions, in addition to specific

management actions identified in OAR 736-040-0066(1) that apply to the North Fork John Day, either meet or exceed the management requirements for protecting outstandingly remarkable scenic values identified in BLM Manual 8351. No additional protective measures are thus recommended at this time.

Protective measures identified OAR 736-040-0066(1) that currently protect outstandingly remarkable scenic values along the North Fork John Day River, including the 16 segments that flow through public lands, are as follows:

- (D) New structures and associated improvements shall be totally screened from view from the river by topography and/or vegetation, except as provided under OAR 736-040-0030(5), and except those minimal facilities needed for public outdoor recreation or resource protection. If inadequate topographic or vegetative screening exists on the site, the structure or improvement may be permitted if native vegetation can be established to provide total screening of the proposed structure or improvement within a reasonable time (4–5 years). The condition of "total screening," as used in Section (1) of this rule, shall consist of adequate topography and/or density and mixture of native evergreen and deciduous vegetation to totally obscure (100%) the subject improvement.
- (E) Commercial public service facilities, including resorts and motels, lodges and trailer parks which are visible from the river, shall not be permitted.
- (F) New mining operations, except recreational placer mining and recreational prospecting, as those terms are defined and used in ORS 390.835, and similar improvements, shall be permitted only when they are totally screened from view from the river by topography and/or vegetation. If inadequate topographic or vegetative screening exists to totally screen the proposed mining site, the mining operation may be permitted if native vegetation can be established to provide total screening of the proposed mining site within a reasonable time (4–5 years).
- (G) New roads may be permitted only when totally screened from view from the river by topography and/or vegetation. If inadequate topographic or vegetative screening exists to totally screen the proposed road, the road may be permitted if acceptable topography can be created or road design techniques used to totally screen the road at the time of construction or native vegetation can be established to provide total screening of the proposed road within a reasonable time (4–5 years).
- (H) Where existing roads are visible from the river, major extensions, realignments, or upgrades to existing roads shall not be permitted. Necessary minor road improvements shall be substantially screened from view from the river. If inadequate topography or vegetation exists to substantially screen the road improvement, the road improvement may be permitted if acceptable topography can be created or road design techniques used to substantially screen the road at the time of construction or native vegetation can be established to provide substantial screening of the road improvement within a reasonable

time (4–5 years). The condition of "substantial screening," as used in Section (1) of this rule, shall consist of adequate topography and/or density and mixture of native, evergreen and deciduous vegetation to substantially obscure (at least 75%) the subject improvement. When an existing road is regraded, no side cast into or visible from the river shall be permitted. Excess material shall be hauled to locations out of view from the river.

- (I) Visible tree harvest or other vegetation management may be permitted provided that:
 - (A) The operation complies with the relevant Forest Practices Act rules;
 - (B) Harvest and management methods with low visual impact are used;
 - (C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and
 - (D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.
- (J) Improvements needed for public recreation use or resource protection may be visible from the river, but shall be primitive in character and designed to blend with the natural character of the landscape.
- (K) Proposed utility facilities shall share existing utility corridors, minimize any ground and vegetation disturbance, and employ non-visible alternatives when reasonably possible.
- (L) Whenever the standards of OAR 736-040-0035 and section (1), subsections (c) through (k) of this rule are more restrictive than Grant County's or Umatilla County's Land Use and Development Ordinance, the above Oregon Administrative Rules shall apply.

Interim protective measures aimed at protecting outstandingly remarkable recreational values:

Outstandingly remarkable recreation values on the North Fork John Day River are partially protected by measures currently applied to scenic values, as identified above. These protective measures help preserve the scenic quality of the river corridor, an essential part of the visitor experience that draws users from outside the area.

Recreation use on public lands along the North Fork John Day has been relatively low, but use has been increasing steadily over the past decade due to the scenic quality, low use, and good fishing (BLM 2000). Such increases may impact the feeling of solitude and remoteness within the river corridor. Recreation facilities on public lands on the North Fork John Day River are limited to two information kiosks and boater registration boxes. Registration is currently voluntary and thus does not allow for accurate estimates on total use. The BLM may consider mandatory registration to help determine use levels. A permit system is not necessary at this time; however, in depth, recreational use studies would help aid in determining any needs to

place limits on use levels deemed necessary to protect or enhance visitor experiences. Additional campsite studies could help determine the condition of campsites and need for improvements or restrictions.

In general, North Fork John Day River segments 2.02 to 2.10 that are recommended a tentative classification as Scenic should be managed for semi-primitive nonmotorized to semi-primitive motorized settings. Motorized vehicle use, including off-highway vehicles, could be permitted, although trespass through private property should not be allowed. The BLM should consider attaining a public easement that would allow easy access to public lands. A mix of access types should be available, including open roads, roads closed to motorized use, and walk-in or horseback opportunities in a few remote areas. Recreation developments such as additional kiosks or boater registration sites should not be built along this section of river to preserve its more natural appearance.

Segments 2.01 and 2.11 to 2.16 that are recommended a tentative classification as Recreational should be managed for roaded to rural settings. Motorized use should continue to be permitted, with OHV use permitted on designated trails. Road access should continue along all seven river segments. Additional recreation development sites may be permitted, including additional recreation kiosks, boater registration sites, as well as viewpoints, interpretive sites, and developed campgrounds and access sites/boat launch ramps. If a boat launch is developed, it should be located along the upstream-most river segment (segment 2.16) and include a boater registration box. This would allow for the gathering of more complete user data.

Interim protective measures aimed at protecting outstandingly remarkable fishery values:

Habitat problems affecting steelhead trout populations include irrigation diversions and cattle grazing. These activities modify river channels; remove riparian vegetation; block migration corridors; decrease summer flows, occasionally to complete dewatering; and increase summer water temperatures. Many populations have retreated to headwater areas because of these activities, causing extensive population fragmentation and declines in numbers. Management actions aimed at maintaining or increasing Middle Columbia Steelhead in the North Fork John Day River should thus be aimed at reducing these impacts to steelhead habitats.

As a threatened species, the Middle Columbia Steelhead are protected under the Endangered Species Act (ESA). Section 4(f) of the ESA requires that a recovery plan be developed and implemented for species listed as endangered or threatened under the statute. These plans must, at a minimum, contain (1) a description of site-specific management actions necessary to achieve the plan's goal for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in a determination that the species be removed from the list; and (3) estimates of the time required and cost to carry out the measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.

Currently, a recovery plan for Oregon's Middle Columbia River Steelhead is in its draft stage. An early draft of a recovery plan identifies the conditions that have led to the listing of the

Middle Columbia steelhead and provides early recovery framework (Carmichael 2006). Limiting factors in the lower North Fork John Day River listed in that report include habitat diversity, sediment load, temperature, and key habitat quantity. Anthropogenic threats associated with these limiting factors are riparian disturbance, stream channelization and relocation, grazing, timber harvest, road building, irrigation withdrawals, mining, and dredging (NMFS 2004).

The above threats to steelhead populations in the North Fork of the John Day are currently managed under the John Day River Management Plan, Two Rivers, and John Day Resource Management Plan Amendments (BLM 2001); the John Day River Subbasin Plan and the Columbia River Anadromous Fish Restoration Plan (CRITFC 1996); Oregon Wild Fish Management Policy (OAR 635-07-525); Strategy for Salmon amendment to the Columbia River Basin Fish and Wildlife Program (Collette and Harrison 1992); and PACFISH (USFS and BLM 1995). Management emphasis of these plans and programs is to maintain or increase wild run populations of steelhead in the John Day Basin and restore watersheds and fish habitat. The State Scenic Waterway System Act also implements protection of steelhead trout within the North Fork Scenic Waterway through maintaining the river's free-flowing character in quantities necessary for steelhead migration and protecting migration corridor blockage due to the construction of dams, diversions, or other water impoundment facilities and excessive water withdrawals from irrigation and other domestic or agricultural use. Steelhead habitat is also protected from degradation of riparian areas along the river; the discharge of debris, silt, chemicals or other materials into the river from mining, prospecting, and dredging activities; and habitat disturbance from road construction and maintenance (ORS 390.835). Due to the extensive current management of steelhead trout in North Fork John Day River, no additional protective measures are suggested at this time.

ATTACHMENT D

LITERATURE CITED

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